REMARKS

Claims 1-17 are pending and under consideration in this application. Claims 5, 6, and 11 have been amended to place them in independent form. Support for the amendments to claims 5, 6, and 11 maybe be found in claims 1, 2, and 9, respectively. Since the amendments to claims 5, 6, and 11 are directed to matters of form, they are being made for no reason of patentability. Reconsideration is requested based on the following remarks.

Response to Arguments:

The Applicant appreciates the consideration given to the arguments filed August 10, 2005, and the withdrawal of the previous grounds of rejection. The Applicant must continue to insist, however, that Budnik, cited in the Office Action, describes no representative computer in a network managing scheduling turning the other computers on or off over the network, nor does Budnik send a power off instruction. Budnik, rather, sends only a power off *warning* message about data processing system 10 powering down.

None of the personal computers 14, 16, 18, 20 and 22, which are coupled to mid-range computer 12 and comprise data processing system 10 as shown in Fig. 1, need to go down *themselves*. The only thing they have to know, rather, is that, if they keep running, data processing system 10 will not be available. Hence, there is no reason for data processing system 10 to have the slightest interest in whether or not personal computers 14, 16, 18, 20 and 22 or mid-range computer 12 continue to operate while data processing system 10 is powered down. Nor does data processing system 10 need to be managing scheduling turning the other computers on or off over the network of the personal computers 14, 16, 18, 20 and 22 or mid-range computer 12. Further reconsideration is thus requested.

Information Disclosure Statement:

The Applicants submitted a Form PTO-1449 listing several references first cited in a communication from a foreign patent office in a counterpart foreign application on October 24, 2005, after, presumably, the preparation date of the subject Office Action. Consideration of the references and signed, initialed copy of the form PTO-1449 is requested with the next communication from the Office.

Objections to the Specification:

Item 9 on the Form PTOL-326 accompanying the subject Office Action was checked,

indicating that "The Specification is objected to by the Examiner," but no specific objections appear in the Detailed Action. If a telephone conference would help to resolve the situation, a telephone call to the undersigned representative of the Applicant at the Examiner's convenience is encouraged. Otherwise, withdrawal of the objection is earnestly solicited.

Objections to the Claims:

Claims 9, 14, and 15 were objected to for various informalities. Although the Examiner's suggestions are appreciated, the Applicants would prefer to leave the claims as they are at this time. For example, the Applicants see no reason why the clause "in a plurality of information processing devices," ought to be removed from claim 9. If a telephone conference would help to resolve the situation, a telephone call to the undersigned representative of the Applicant at the Examiner's convenience is encouraged.

With respect to claims 14 and 15, the recitation "other information processing devices," is believed to be correct as well, since the recitation occurs for the first time. The article "the," on the other hand, would be applied at each *succeeding* occurrence of the recitation, which is not the case here at all. Withdrawal of the objection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 102:

Claims 1-4, 7-10, and 12-17 were rejected under 35 U.S.C. § 102(b) as anticipated by European Patent Application 0 499 564 A2 to Ackman et al., (a.k.a. "Budnik"). The rejection is traversed.

Claim 1 recites:

> Instructing each of the information processing devices to perform a power-down process.

Budnik shows no power supply control device provided for each of a plurality of information processing devices, instructing each of the power supply control devices to power up or power down, as acknowledged graciously in the Office Action mailed May 11, 2005 at page 3. Now, however, the subject Office Action asserts at page 3 that Budnik does show such a power supply control device. This is submitted to be incorrect. Budnik, rather, describes only a data processing system served by a *single* computer turning its *own* power supply on and off, and warning peripheral devices that it is about to do so, not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1. In particular, as described in Budnik at column 1, lines 1-10:

> The present invention relates in general to power management systems for data processing systems and in particular to power management systems which permit the automated removal of electrical power from a data processing system. Still more particularly, the present invention relates to a method and apparatus which permits the automatic removal of electrical power from a data processing system only after a predetermined number of conditions haves been met.

Thus, in Budnik, a power management system permits the automated removal of electrical power from *a* data processing system, in the singular, rather than "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 1, lines 11-20:

> Modern complex computer systems are normally powered off by the issuance of a selected command. Typically, a system operator must initiate the power off sequence by entering such a command and in the event of heavy system loads must be present until all work has been completed. As a result, many entities find it simpler and less expensive to leave a data processing system powered on at all times rather than employ an operator to manually remove power from the system.

Thus, in Budnik, it is simpler and less expensive to leave a data processing system powered on at all times rather than employ an operator to manually remove power from the system, let alone "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 1, lines 20-33:

> Many modern computer systems, such as the AS/400 mid-range computer, manufactured by International Business Machines Corporation of Armonk, New York., utilize a power down system command which includes a controlled option which attempts to defer the removal of electrical power until all applications which are running have been completed. Additionally, many modern computer products include job schedulers which permit an operator to initiate any command at a selected future time. Thus, by utilizing such a job scheduler a system operator many program the system so that the power down system command will run at a predetermined time.

Thus, in Budnik, modern computer systems utilize a power down system command which includes a controlled option which attempts to defer the removal of electrical power until all applications which are running have been completed, rather than "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 1, line 50 to column 2, line 4:

> One attempt at implementing the automatic removal of electrical power from a computer system utilizing a job scheduler approach is described in Japanese PUPA 01-9512, entitled "Automatic operation Control System For Computer Systems" and assigned to Mitsubishi Electric Corporation. The system described

> therein includes a calendar file which is stored within the computer system and which includes power on and power off information which have been set according to an operation schedule for the computer system. Power is then automatically coupled to and removed from the computer system without the necessity of operator input.

Thus, in Budnik, a calendar file is stored within the computer system, in the singular, and which includes power on and power off information which have been set according to an operation schedule for the computer system to remove power automatically from the computer system without the necessity of operator input, rather than "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 3, lines 18-29:

> With reference now the figures and in particular with reference to Figure 1, there is depicted a pictorial representation of a data processing system 10 which may be utilized to implement the present invention. As illustrated, data processing system 10 preferably includes a midrange computer 12, such as the Model AS/400 mid-range computer manufactured by International Business Machines Corporation of Armonk, New York. Coupled to mid-range computer 12 are a plurality of personal computers 14, 16, 18, 20 and 22 which are coupled to mid-range computer 12 utilizing a token-ring network or Local Area Network (LAN) 24.

Thus, in Budnik, a plurality of personal computers 14, 16,18, 20 and 22, each of which having its own independent power supply management method, are coupled to mid-range computer 12 utilizing a token-ring network or Local Area Network (LAN) 24. Budnik, thus, is describing a data processing system linking a plurality of computers together, each of which can operate independently of the data processing system. Budnik, therefore, has no interest in "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 3, lines 30-41:

> Also coupled to mid-range computer 12 are a plurality of additional computer or terminals such as emulation adapter 26. Emulation adapter 26 may be implemented utilizing a Model 3279 Emulator Adapter, manufactured by International Business Machines Corporation of Armonk, New York. Similarly, display station 28 and ASCII terminal 30 may also be coupled to mid-range computer 12. Thus, in a manner set forth in Figure 1, data processing system 10 preferably includes at least one mid-range or mainframe computer with a plurality of personal computers, work stations or terminals attached thereto.

Thus, in Budnik, a plurality of additional computer or terminals such as emulation adapter 26, each of which having its own independent power supply management method, are also coupled to mid-range computer 12. Budnik, thus, is describing a data processing system linking

a plurality of computers together, each of which can operate independently of the data processing system. Budnik, therefore, has no interest in "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 3, lines 42-45:

> Referring now to Figure 2, there is depicted a computer menu display 32 which illustrates a plurality of scheduled system on and off times which may be stored within data processing system 10 of Figure 1.

Since Budnik only stores a plurality of scheduled system on and off times *within* data processing system 10, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 3, line 46 to column 4, line 7:

> As illustrated, computer menu display 32 preferably includes a plurality of columns which may be utilized to organize and display information regarding data processing system 10. In the depicted embodiment of the present invention, date column 34 may be utilized to list each date during which operation of data processing system 10 may occur. Additionally, day column 36 may be provided and utilized to indicate the day of the week associated with a date listed within date column 34 such that weekends and holidays may be accounted for during power on/power off scheduling. Next, certain of those entries within date column 34 and day column 36 includes an entry within power on column 38 and power off column 40. Thus, for each day wherein data processing system 10 will operate a number of power on/power off times may be stored. Additionally, description column 42 may be utilized to indicate, in narrative form, the purpose for which data processing system 10 was energized during the listed period.

Since Budnik only stores a number of power on/power off times for each day wherein *data processing system 10* will operate, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 4, lines 8-14:

> Thus, those skilled in the art will appreciate that by providing a computer menu display, such as that depicted at computer menu display 32, the method and apparatus of the present invention permit the rapid and efficient access by individual users of a schedule indicating the operating hours for data processing system 10.

Since Budnik permits the rapid and efficient access by *individual* users of a schedule indicating the operating hours for data processing system 10, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1. Budnik, rather, is simply informing individual users when data processing system 10 will not be available.

Furthermore, as described in Budnik at column 4, lines 15-28:

> With reference now to Figure 3, there is depicted a computer menu display 50 which illustrates the method by which schedule systems on and off times may be altered for data processing system 10 by those processing sufficient authority to do so. As above, computer menu display 50 preferably includes a date column 52, day column 54, power on column 56, power off column 58 and description column 60. By utilizing computer menu display 50 of Figure 3, those skilled in the art will appreciate that scheduled power on and power off times stored within data processing system 10 may be altered to accommodate changes in operation or schedule in a simple and efficient manner.

Since, in Budnik, scheduled power on and power off times stored *within* data processing system 10 may be altered to accommodate changes in operation or schedule in a simple and efficient manner, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 4, lines 43-58:

> Next, in accordance with an important feature of the present invention, block 86 illustrates a determination of whether or not the present time, obtained from a system clock in a manner well known in the art, is within thirty minutes of the next scheduled off time or any other preselected time interval. If not, as above, the system merely iterates until the appropriate time. However, once the determination illustrated in block 86 requires that the next scheduled off time will occur within the selected number of minutes the process passes to block 88. Block 88 illustrates the transmittal of power off warning messages to all users within data processing system 10. This is an important feature of the present invention at it allows those users currently enrolled within data processing system 10 to receive a warning prior to the power being removed from the system.

Since, in Budnik, power off *warning* messages are transmitted to all users within data processing system 10, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1. Rather, while users currently enrolled within data processing system 10 do receive a warning prior to the power being removed from the system, there is no reason for their *own* computers to be turned off as well.

Furthermore, as described in Budnik at column 5, lines 2-20:

> Thereafter, a delay occurs, as depicted in block 90 and the process then passes to block 92 which depicts a determination of whether or not a response has been received from any user within data processing system 10 to the power off warning messages which have been sent. In accordance with the illustrated embodiment of the present invention, a user within data processing system 10 may respond to a power off warning message in one of three manners. Firstly, a user with sufficient authority may elect to cancel a scheduled power off. In such event, the process passes to block 94 which illustrates the cancelling of a scheduled power off and the resetting of the next on/off times from the stored scheduled on and off

> times within data processing system 10.Thereafter, although not illustrated, the process will return to block 86 to once again await the appropriate time to issue a warning message to system users that a power of will occur.

Since, in Budnik, a determination of whether or not a response has been received from any user *within* data processing system 10 to the power off warning messages which have been sent, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 5, lines 21-36:

> Additionally, in response to a power off warning message automatically sent by data processing system 10, a user may request a specified amount of delay prior to a power off condition. This is illustrated in block 96 which depicts a delay or deferral for the user specified period of time. Thereafter, the process returns to block 86 and once again automatically transmits warning messages prior to the next scheduled off time. Of course, those skilled in the art will appreciate that a specified delay time of less than thirty minutes may be requested by a system user and in such case the determination within block 86 will result in an immediate power off warning message being transmitted to each user within data processing system 10, indicating how many minutes remain until a scheduled power off.

Since, in Budnik, *warning* messages are transmitted automatically prior to the next scheduled off time, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Furthermore, as described in Budnik at column 6, lines 20-31:

> Finally, after ensuring that all termination operations such as clean up operations and "back up" operations have been successfully concluded, block 108 illustrates another important feature of the present invention. Block 108 depicts a determination of whether or not the next scheduled on time for data processing system 10 is imminent or has been bypassed due to a delay requested by a user. By imminent what is meant is within a sufficiently short period of time such that all power off sequences may not have sufficient time to occur prior to an attempted restart of data processing system 10.

Since, in Budnik, a determination is made as to whether or not the next scheduled on time for *data processing system 10* is imminent or has been bypassed due to a delay requested by a user, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1. Budnik, rather, describes only configuring a system to not turn off its *own* power supply if the time for turning the power back on is imminent.

The Office Action asserts that the warning message will inherently indicate a date and a time of the present. This is submitted to be incorrect. There is no need for a warning to include

any other information than the warning itself. One may warn another, for example, that they are going to "knock your block off," without specifying the projected date or time at all.

Finally, as described in Budnik at column 6, lines 32-50:

> Of course, the amount of time required to complete a power down sequence will vary from data processing system to data processing system; however, an attempted restart of a data processing system during an incomplete power down sequence will result in abnormal operations and must be avoided, if possible. Therefore, in the event the next scheduled on time stored within data processing system 10 is imminent , the process passes to block 110, which illustrates the cancellation of the scheduled power off and the resetting of the next on/off times which are stored within data processing system 10. This may occur due to those delays in power down sequence which result from user or system required delays. As above, although not illustrated, the process would then iterate and return to block 86 wherein automatic power off warning messages will once again be transmitted to each user within data processing system 10 a selected period of time prior to the next scheduled off time.

Since, in Budnik, automatic power off *warning* messages will once again be transmitted to each user within data processing system 10 a selected period of time prior to the next scheduled off time, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1. Similarly, since, in Budnik, the next on/off times which are stored within data processing system 10 are reset if the scheduled power off is cancelled, Budnik is not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1. Therefore, Budnik describes only a *single* computer turning its *own* power supply on and off, and warning peripheral devices that it is about to do so, not "instructing each of the information processing devices to perform a power-down process," as recited in claim 1.

Claim 1 recites further:

> Notifying the information processing devices of a next power-up date and time.

Budnik neither teaches, discloses nor suggests "notifying the information processing devices of a next power-up date and time," as recited in claim 1. In Budnik, rather, the next on/off times are stored within data processing system 10, as described at column 4, lines 39-41. Data processing system 10 then keeps track of the next on/off times and merely *warns* the plurality of personal computers 14, 16, 18, 20, and 22 of its own power up or down accordingly. This is to be contrasted with claim 1, in which the information processing devices are *notified* as to when the next power-up date and time will be.

Finally, claim 1 recites:

> Having each power supply control device enter a next power-up date and time each time a power-down date and time comes.

Budnik neither teaches, discloses nor suggests "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," as recited in claim 1. In Budnik, rather, the next on/off times are stored within data processing system 10, as described at column 4, lines 39-41. Data processing system 10 then keeps track of the next on/off times and merely *warns* the plurality of personal computers 14, 16, 18, 20, and 22 of its own power up or down accordingly. This is to be contrasted with claim 1, in which each power supply control device enters a next power-up date and time each time a power-down date and time comes.

None of personal computers 14, 16, 18, 20, and 22 are on a need-to-know basis with respect to the next time data processing system 10 will be turned on or of, contrary to the assertion in the Office Action. Personal computers 14, 16, 18, 20, and 22 don't get to know *when* data processing system 10 power will be terminated, they are merely warned that data processing system 10 *will* be turned off unless they respond to the warning, as described at column 7, lines 42-45. Power is then cut *automatically* to data processing system 10 in the absence of a response, as described at column 7, lines 46-49. This is to be contrasted with claim 1, in which *each* power supply control device enters a *next* power-up date and time each time a power-down date and time comes. Claim 1 is thus submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 3 and 7 depend from claim 1 and add further distinguishing elements. Claims 3 and 7 are thus also submitted to be allowable. Withdrawal of the rejection of claims 3 and 7 is also earnestly solicited.

<u>Rejection of claims 2, 4, and 8:</u>

Claim 2 recites:

> Issuing a power-down instruction to each of the other information processing devices each time a power-down date and time comes.

Budnik neither teaches, discloses nor suggests "issuing a power-down instruction to each of the other information processing devices each time a power-down date and time comes," as discussed above with respect to the rejection of claim 1.

Claim 2 also recites:

> Notifying each power supply control device of the other information processing

devices of a next power-up date and time.

Budnik neither teaches, discloses nor suggests "notifying each power supply control device of the other information processing devices of a next power-up date and time," as discussed above with respect to the rejection of claim 1.

Finally, claim 2 recites:

Having each power supply control device enter the next power-up date and time.

Budnik neither teaches, discloses nor suggests "having each power supply control device enter the next power-up date and time," as discussed above with respect to the rejection of claim 1. Claim 2 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 2 is earnestly solicited.

Claims 4 and 8 depend from claim 2 and add further distinguishing elements. Claims 4 and 8 are thus also submitted to be allowable. Withdrawal of the rejection of claims 4 and 8 is also earnestly solicited.

Rejection of claims 9, 10, and 12:

Claim 9 recites:

A power-down instruction unit instructing each power supply control device to perform a power-down process.

Budnik neither teaches, discloses nor suggests "instructing each power supply control device to perform a power-down process," as discussed above with respect to the rejection of claim 1.

Claim 9 also recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule.

Budnik neither teaches, discloses nor suggests "notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule," as discussed above with respect to the rejection of claim 1. Claim 9 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claims 10 and 12 depend from claim 9 and add further distinguishing elements. Claims

10 and 12 are thus also submitted to be allowable. Withdrawal of the rejection of claims 10 and 12 is also earnestly solicited.

Rejection of claim 13:

Claim 13 recites:

> A power-down unit storing a next power-up date and time when the next power-up date and time is received together with a power-down instruction, and performing a power-down process on an information processing device of a current system.

Budnik neither teaches, discloses nor suggests "storing a next power-up date and time when the next power-up date and time is received together with a power-down instruction, and performing a power-down process on an information processing device of a current system," as discussed above with respect to the rejection of claim 1. Claim 13 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 13 is earnestly solicited.

Rejection of claim 14:

Claim 14 recites:

Instructing each power supply control device to perform a power-down process.

Budnik neither teaches, discloses nor suggests "instructing each power supply control device to perform a power-down process," as discussed above with respect to the rejection of claim 1.

Claim 14 also recites:

> Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to a predetermined power-up/down schedule.

Budnik neither teaches, discloses nor suggests "notifying each power supply control device of a next power-up date and time each time power-down date and time comes," as discussed above with respect to the rejection of claim 1. Claim 14 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 14 is earnestly solicited.

Rejection of claim 15:

Claim 15 recites:

Instructing each power supply control device to perform a power-down process.

Budnik neither teaches, discloses nor suggests "instructing each power supply control device to perform a power-down process," as discussed above with respect to the rejection of claim 1.

Claim 15 also recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to a predetermined power-up/down schedule.

Budnik neither teaches, discloses nor suggests "notifying each power supply control device of a next power-up date and time each time power-down date and time comes," as discussed above with respect to the rejection of claim 1. Claim 15 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 15 is earnestly solicited.

Rejection of claim 16:

Claim 16 recites:

Notifying each of the other information processing devices of a next power-up date and time.

Budnik neither teaches, discloses nor suggests "notifying each of the other information processing devices of a next power-up date and time," as discussed above with respect to the rejection of claim 1. Claim 16 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 16 is earnestly solicited.

Rejection of claim 17:

Claim 17 recites:

Notifying the computers of a power-up date and time when a power-down instruction is provided.

Budnik neither teaches, discloses nor suggests "the computers of a power-up date and time when a power-down instruction is provided," as discussed above with respect to the rejection of claim 1. Claim 17 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 17 is earnestly solicited.

Allowable Subject Matter:

The Applicant acknowledges with appreciation the indication that claims 5, 6, and 11 contain allowable subject matter. Claims 5, 6, and 11 have been amended to place them in independent form. Claims 5, 6, and 11 are thus submitted to be allowable.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-17 are allowable over the cited references.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 26 JAN 06

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